
Costs Decision

Site visit made on 7 February 2017

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th February 2017

Costs application in relation to Appeal Ref: APP/W0530/W/16/3162459 43 London Road, Stapleford, Cambridgeshire CB22 5DE

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Natalie Benson for a full award of costs against South Cambridgeshire District Council.
 - The appeal was against the refusal of planning permission for a new dwelling.
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Decision

1. The application for a full award of costs is refused.

Reasons

2. The Planning Practice Guidance ('PPG') advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. An application for costs needs to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
 3. The Council's reasons for refusal set out in the decision notice are complete, specific and relevant to the application. They also clearly state the policies of the development plan that the proposal would conflict with, which are in accordance with the most up-to-date national policy. I do not find any of the Council's concerns to be vague, generalised or inaccurate and they are supported by objective analysis which takes account, amongst other things, of the contribution the appeal site makes to the character and appearance of the area.
 4. Whilst I appreciate that the applicant does not agree with the Council's consideration of the development, the reasons for refusal are matters of planning judgement and in my view, the Council were not unreasonable in coming to their decision.
 5. The fact that the appellant carried out further work following the refusal insofar as liaising with the relevant highway authority is concerned is the appellant's own choice in seeking to address this concern. It does not mean that the Council's concerns were unreasonable in refusing permission on the grounds of highway safety, a stance supported by the highway authority at the time and clearly based on the evidence submitted with the application. The fact that the highway authority now appear to be satisfied with the proposal is not determinative as this would still need to be the subject of further consultation
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and ultimately is a matter for the local planning authority to determine as part of an application for planning permission. Consequently, there is no evidence to suggest that they have caused unnecessary or wasted expense in the appeal.

6. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason an award for costs is not justified.

Richard Aston

INSPECTOR